



## **PLANNING COMMISSION AGENDA**

**Wednesday, November 4, 2015**

***Study Session:  
General Plan Annual Review Report***

**T-332  
Commencing at 5:00 p.m.**

**Regular & General Plan Hearing**

**Commencing at 6:30 p.m.**

**Council Chambers**

First Floor, City Hall Wing  
200 East Santa Clara Street  
San Jose, California

**Dori Yob, Chair**

**Ed Abelite, Vice Chair**

**Shiloh Ballard      Edesa Bit-Badal**

**Brian O'Halloran      Nick Pham**

**Michelle Yesney**

**Harry Freitas, Director  
Planning, Building & Code Enforcement**

### NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

### SUMMARY OF HEARING PROCEDURES

If you want to address the Commission, please fill out a speaker card located on the table near the Audio Visual Technician and deposit the completed card in the basket. There are also speaker cards in the back of the Chambers and at the side entrance.

The procedure for this hearing is as follows:

- After the staff report, applicants, and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes. Speakers using a translator will have four minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezonings, prezonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permits is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

# **AGENDA**

## **ORDER OF BUSINESS**

### **WELCOME**

Welcome to the Planning Commission Meeting. Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **SUMMARY OF HEARING PROCEDURES**

#### **1. PUBLIC COMMENT**

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Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

#### **2. DEFERRALS AND REMOVALS FROM CALENDAR**

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Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC14-038.** Planned Development Rezoning from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District to allow four residential units (two attached units and two detached units) on an approximately 0.29 gross acre site, located at 1707 Ringwood Avenue (JWC Investments, Inc., Owner). Council District: 4. CEQA: Mitigated Negative Declaration to be adopted by City Council. ***PROJECT MANAGER, LEA SIMVOULAKIS***

#### **Staff Recommendation:**

1. Defer to the 12/2/15 Planning Commission meeting per Staff request.

### 3. CONSENT CALENDAR

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The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **C15-006.** Conventional Rezoning from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District on a 0.13 gross acre site, located on the west side of S. De Anza Boulevard, approximately 120 feet west of the intersection of S. De Anza Boulevard and Rainbow Drive. (Vigagold Inc, Owner). Council District 1. CEQA: Mitigated Negative Declaration.  
**PROJECT MANAGER, JOHN TU**

**Staff Recommendation:**

1. Consider and recommend adoption to the City Council of the Mitigated Negative Declaration in accordance with CEQA.
2. Recommend to the City Council the approval of a Conventional Rezoning Ordinance as described above.

- b. **C15-042.** Conventional Rezoning request to rezone four properties from the LI Light Industrial to the DC Downtown Primary Commercial Zoning District on an approximately 0.47 gross acre site, located on the northwest corner of West San Carlos Street and Delmas Avenue (267 and 279 Delmas Avenue and 405 West San Carlos Street) (San Carlos Parts LLC, Owner). Council District 3. CEQA: Addendum to the Envision San Jose 2040 General Plan Final Program EIR.  
**PROJECT MANAGER, ELIZABETH SCHULLER**

**Staff Recommendation:**

1. Consider and recommend adoption to the City Council of the Addendum to the Envision San Jose 2040 General Plan Final Program EIR in accordance to CEQA
2. Recommend to the City Council the approval of a Conventional Rezoning Ordinance as described above.

- c. **CP15-003 (Administrative Hearing).** Conditional Use Permit to allow the installation of a 60-foot tall monopole, with an approximately 600-square foot enclosure for a stand-by generator, on a 1.3-gross acre site in the LI Light Industrial Zoning District, located at 545 Nipper Avenue (John and Jacqueline Kolander, Owners). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. **PROJECT MANAGER, JENNIFER PIOZET**

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- d. **CP15-041 (Administrative Hearing).** Conditional Use Permit to construct a wireless communication facility within a new approximately 50 foot tall church cupola and construction of an associated equipment enclosure at an existing church on an approximately 1.39 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the northwest corner of Cottle Avenue and Dry Creek Road (1901 Cottle Avenue) (Bayside Community Christian & Missionary, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. **PROJECT MANAGER, DAVID FONG**

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- e. **CP15-044 (Administrative Hearing).** Conditional Use Permit to allow a 8,000-square foot Post-Secondary School for up to 25 students at an existing office building (IDT) on a 3.9 gross acre site in the IP Industrial Park Zoning District located on north corner of Piercy Road and Optical Court (6024 Silver Creek Valley Road) (Integrated Device Tech Inc., Owner). Council District: 2. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. ***PROJECT MANAGER, LEA SIMVOULAKIS***

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- f. **CP15-046 (Administrative Hearing).** Conditional Use Permit to allow 24-hour use at a 13,830-square foot Indoor Recreation Facility (Planet Fitness), within an existing shopping center, on a 13.6-gross acre site in the CN Neighborhood Commercial Zoning District, located at 1375 Blossom Hill Road (Pan Cal Princeton Plaza LLC David Chui, Owner). Council District: 9. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. ***PROJECT MANAGER, JENNIFER PIOZET***

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- g. **CP15-051.** Conditional Use Permit to allow a late-night use until 2:00 a.m. at a drinking establishment (for more than 250 people) on a 0.05-gross acre site, located at 65 Post Street (Joel Wyrick, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. ***PROJECT MANAGER, JENNIFER PIOZET***

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Recommend to the City Council the approval of a Conditional Use Permit Resolution as described above.

- h. **CP15-060 (Administrative Hearing).** Conditional Use Permit to allow a brewery with an associated public eating and drinking establishment in an existing 10,200 square foot building on 0.24-gross acre site in the DC Downtown Primary Commercial Zoning District, located at 439 South 1<sup>st</sup> Street (Berg Richard P. Trustee & Et Al, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. ***PROJECT MANAGER, REBECCA BUSTOS***

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- i. **CPA95-055-01 (Administrative Hearing).** Conditional Use Permit Amendment to allow the expansion of an approximately 1,353 square foot existing service station with incidental automotive service and repair, with the addition of an approximately 134 square foot storage room and two fuel dispensers on an approximately 0.15 gross acre site in the CP Pedestrian Commercial Zoning District, located at the northwest corner Moorpark Avenue and Gullo Avenue (5155 Moorpark Avenue). (GAWFCO Enterprises, Inc., Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(e) (1) for Existing Facilities. ***PROJECT MANAGER, DAVID FONG***

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Amendment Resolution as described above.

#### **4. PUBLIC HEARING**

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Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **PDC15-001 & PD15-004.** Planned Development (PD) from A(PD) Planned Development Zoning District to CIC(PD) Planned Development Zoning District to allow up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District and ministorage uses, and Master Planned Development Permit to allow construction of up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial/Commercial Zoning District and ministorage uses for the existing Gordon Biersch site, the demolition of three existing industrial buildings totaling approximately 242,000 square feet, and the removal of seven ordinance sized trees, on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, L.P., Owner). Council District 3. CEQA: Mitigated Negative Declaration to be adopted by City Council. *Deferred from 10/21/15.*  
**PROJECT MANAGER, JENNIFER PIOZET**

**THIS ITEM 4.A. WILL BE HEARD TOGETHER WITH ITEM 6.A. ON THE GENERAL PLAN PUBLIC HEARING AGENDA**

**Staff Recommendation:**

1. Consider and recommend adoption to the City Council of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
  2. Recommend to the City Council the denial of the applicant's request for the inclusion of ministorage uses on the western portion of the site in the Continental Can Company Warehouse building for the Planned Development Rezoning and Master Planned Development Permit, as described above, and the approval of staff's recommendation for a Planned Development Rezoning and Master Planned Development Permit as described above, excluding ministorage uses on the western portion of the site in the Continental Can Company Warehouse building.
- b. **PD15-025 (Administrative Hearing).** Appeal of the Planning Director's decision to approve a Planned Development Permit to allow the installation of an 84-foot tall freeway sign with a total 488-square foot sign area, 237 square feet of which is programmable electronic sign, located in the Almaden Ranch Retail Center on a 44.3-gross acre site, in the A(PD) Planned Development Zoning District, located on the southeast corner of Almaden Expressway and Chynoweth Avenue (14540 Almaden Road) (Almaden Ranch LLC, Owner). Council District 9. CEQA: Addendum to the Almaden Ranch EIR, Resolution No. 76168. **PROJECT MANAGER, REBECCA BUSTOS**

**Staff Recommendation:**

1. Consider the Addendum to the Almaden Ranch EIR, Resolution No. 76168, in accordance with CEQA.
2. Uphold the Planning Director's decision and approve a Planned Development Permit Resolution as described above.

- c. [PD15-029 \(Administrative Hearing\)](#). Appeal of the Planning Director's decision to deny a Planned Development Permit and Sign Variance to allow the installation of a 50-foot tall freeway sign with a total of 500-square foot sign area, with a portion that is a 230-square foot electronic programmable display, located in the Silver Oaks Retail Plaza on a 3.3 gross acre site, in the A(PD) Planned Development Zoning District, located on the southwest corner of Silver Creek Valley Place and Silver Creek Valley Road, approximately 450 feet easterly of the Highway 101 off-ramp at 5855 Silver Creek Valley Place (San Gabriel Interests, LP., Owner). Council District: 2. CEQA: Exemption per CEQA Guidelines Section 15270 for Projects Which Are Disapproved. **PROJECT MANAGER, LEA SIMVOULAKIS**

**Staff Recommendation:**

1. Consider the Exemption in accordance with CEQA.
2. Uphold the Planning Director's decision and deny a Planned Development Permit and Sign Variance Resolution as described above.

## **5. CONTINUE THE GENERAL PLAN AMENDMENTS HEARING**

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## **6. GENERAL PLAN PUBLIC HEARING**

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- a. [GP15-001](#). General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and Combined Industrial/Commercial and a General Plan Text Amendment to the Jackson-Taylor Residential Strategy on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, L.P., Owner). Council District 3. CEQA: Mitigated Negative Declaration to be adopted by City Council. *Deferred from 10/21/15.* **PROJECT MANAGER, JENNIFER PIOZET**

**THIS ITEM TO BE HEARD TOGETHER WITH ITEM 4.A.**

**Staff Recommendation:**

1. Consider and recommend adoption to the City Council of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Recommend to the City Council the denial of the applicant's General Plan Amendment request to change the Envision San Jose 2040 Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood and Open Space, Parklands, and Habitat to Mixed Use Neighborhood, Urban Residential and Combined Industrial/Commercial, as described above, and the approval of staff's General Plan Amendment recommendation to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood and Open Space, Parklands, and Habitat to Urban Residential and Combined Industrial/Commercial.
3. Recommend to the City Council the approval of a General Plan Text Amendment to the Jackson-Taylor Residential Strategy.

- b. [GPT15-001](#). Director-initiated General Plan Text Amendment to increase Floor Area Ratio (FAR) from up to 15.0 FAR to up to 20.0 FAR for the Downtown Land Use Designation. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA. *Deferred from 10/21/15.*

**PROJECT MANAGER, JARED HART**

**Staff Recommendation:**

1. Consider the Determination of Consistency with Envision San Jose 2040 General Plan EIR in accordance with CEQA.
2. Recommend to the City Council the approval of a General Plan Text Amendment as described above.

- c. [GPT15-003](#). Director-initiated General Plan Text Amendment to allow the San Jose City Council to consider City initiated General Plan land use and/or text amendments up to four times a year. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA.

*Deferred from 10/21/15. PROJECT MANAGER, JARED HART*

**Staff Recommendation:**

1. Consider the Determination of Consistency with Envision San Jose 2040 General Plan EIR in accordance with CEQA.
2. Recommend to the City Council the approval of a General Plan Text Amendment as described above.

## **7. CONTINUE THE GENERAL PLAN AMENDMENTS HEARING TO DECEMBER 2, 2015**

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## **8. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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*No Items*

## **9. GOOD AND WELFARE**

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- a. Report from City Council
- b. Review and Approve Synopsis from [10-21-15](#)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions

## **ADJOURNMENT**



## **2015 PLANNING COMMISSION MEETING SCHEDULE**

<u><b>Date</b></u>	<u><b>Time</b></u>	<u><b>Type of Meeting</b></u>	<u><b>Location</b></u>
<i>January 14</i>	<i>5:00 p.m.</i>	<i>Study Session: BART/VT A Planning</i>	<i>T-332</i>
January 14	6:30 p.m.	Regular	Council Chambers
January 28	6:30 p.m.	Regular	Council Chambers
February 11	6:30 p.m.	Regular	Council Chambers
February 25	6:30 p.m.	Regular	Council Chambers
March 11	6:30 p.m.	Regular	Council Chambers
March 25	6:30 p.m.	Regular	Council Chambers
April 8	6:30 p.m.	Regular	Council Chambers
April 22	6:30 p.m.	Regular	Council Chambers
<i>May 6</i>	<i>5:00 p.m.</i>	<i>Capital Improvement Program</i>	<i>Council Chambers</i>
May 6	6:30 p.m.	Regular	Council Chambers
<i>May 13</i>	<i>5:00 p.m.</i>	<i>Study Session: Noise Studies</i>	<i>T-332</i>
May 13	6:30 p.m.	Regular	Council Chambers
May 20	6:30 p.m.	Regular	Council Chambers
<i>June 10</i>	<i>5:00 p.m.</i>	<i>Study Session:</i>	<i>T-332</i>
		<i>Employment Land Conversions in San Jose</i>	
June 10	6:30 p.m.	Regular	Council Chambers
<i>June 24</i>	<i>5:00 p.m.</i>	<i>Study Session:</i>	<i>T-332</i>
		<i>Employment Land Conversions in San Jose (continued from 6/10/15)</i>	
June 24	6:30 p.m.	Regular	Council Chambers
July 8	6:30 p.m.	Regular	Council Chambers
July 22	6:30 p.m.	Regular	Council Chambers
August 12	6:30 p.m.	Regular	Council Chambers
August 26	6:30 p.m.	Regular	Council Chambers
September 9	6:30 p.m.	Regular	Council Chambers
<i>September 18</i>	<i>8:30 a.m.</i>	<i>Planning Commission Retreat</i>	<i>T-664</i>
September 23	6:30 p.m.	Regular	Council Chambers
October 7	6:30 p.m.	Regular	Council Chambers
October 21	6:30 p.m.	Regular and General Plan	Council Chambers
<i>November 4</i>	<i>5:00 p.m.</i>	<i>Study Session:</i>	<i>T-332</i>
		<i>General Plan Annual Review Report</i>	
November 4	6:30 p.m.	Regular and General Plan	Council Chambers
November 18	6:30 p.m.	Regular	Council Chambers
December 2	6:30 p.m.	Regular	Council Chambers
December 9	6:30 p.m.	Regular	Council Chambers

## ABOUT THE PLANNING COMMISSION

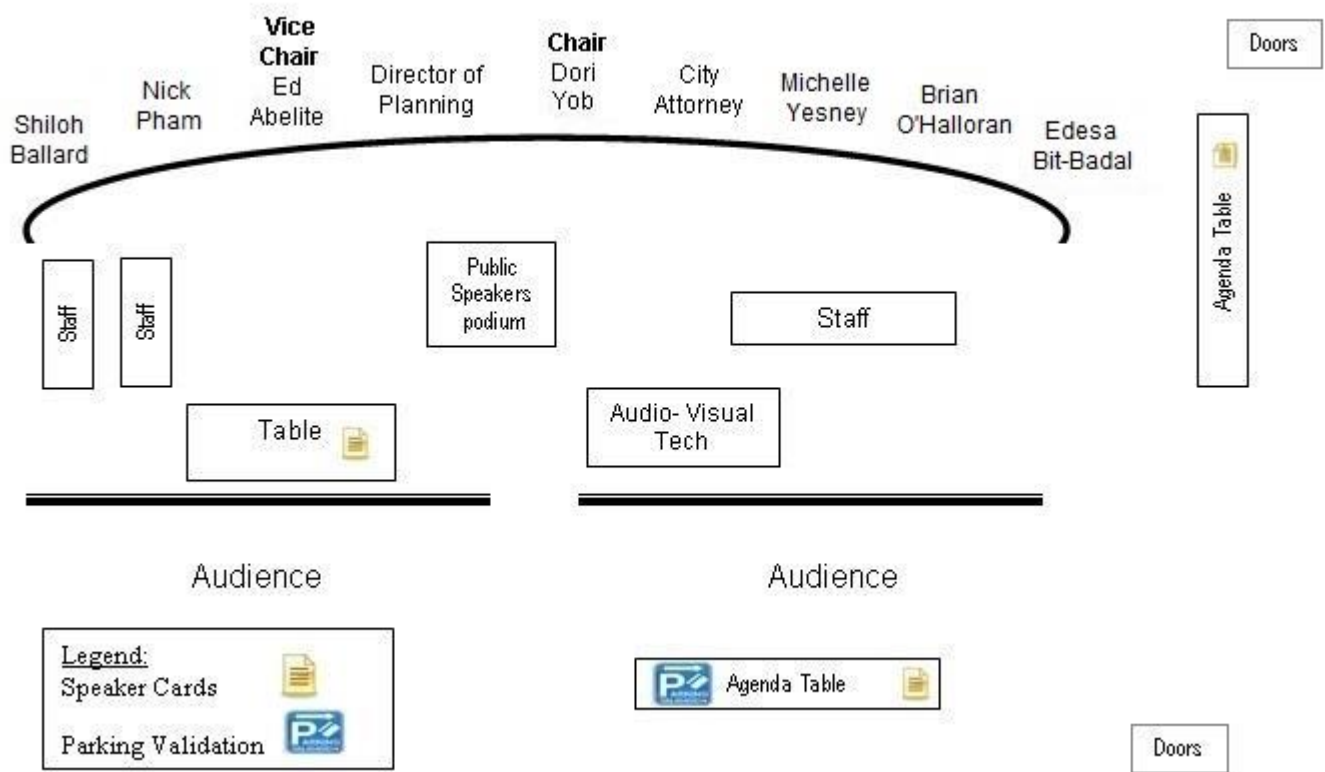
The Planning Commission is a seven-member body, appointed by the City Council, which performs two types of actions:

- One type is “Quasi-Legislative” in nature in which the Planning Commission makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, Zoning Code provisions, or regulations related to the land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs.
- The second type of action is “Quasi-Judicial” in nature in which the Planning Commission applies previously adopted legislation to particular applications and acts as a decision-making or appellate body. Examples of these types of actions include Commission decisions on Conditional Use Permits, appeals of the Planning Director’s decisions on certain land use permits, and the certification of Environmental Impact Reports.

A notation of “Administrative Hearing” for an agenda item indicates that the item is a Quasi-Judicial action of the Commission in order to assist the public in understanding the role of the Planning Commission on a particular item.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine to proceed with remaining agendized items past 11:00 p.m., or to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

### Seating Chart within the City Council Chambers:



The San José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?nid=1764>

**The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at <http://www.sanjoseca.gov/DocumentCenter/View/3818>**

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Planning Commission hearings are video recorded and broadcasted live. To view the live broadcast or past hearing recordings go to the Internet website: <http://www.sanjoseca.gov/index.aspx?nid=3431>

If you have any agenda questions, please contact Support Staff at (408) 535-3505 or email. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

#### **FREQUENTLY USED ABBREVIATIONS**

<b>CEQA</b>	California Environmental Quality Act
<b>CP</b>	Conditional Use Permit
<b>DA</b>	Development Agreement
<b>PD</b>	Planned Development Permit
<b>PDC</b>	Planned Development Zoning

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.